

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

ENCOMPASS INSURANCE COMPANY OF  
MASSACHUSETTS,

Plaintiff,

vs.

JOSEPH D. GIAMPA, FREDERICK T.  
GIAMPA, ADVANCED SPINE CENTERS,  
INC., d/b/a FIRST SPINE REHAB, FUTURE  
MANAGEMENT CORPORATION, FUTURE  
MANAGEMENT BUSINESS TRUST,  
EDWARD KENNEDY, BRIAN J.  
CULLINEY, D.C. and JENNIFER  
McCONNELL, D.C.

Defendants.

Civil Action No. 1:05-cv-11693-RCL

**MOTION TO COMPEL DEPOSITION OF LISETTE SIERRA**

NOW COMES the plaintiff, Encompass Insurance Company of Massachusetts (hereinafter "Encompass"), pursuant to Fed. R. Civ. P. 37 and Local Rule 37.1 and respectfully requests that this Honorable Court enter an Order COMPELLING the Deposition of Lisette Sierra.

On March 1, 2007, plaintiff served upon Lisette Sierra a Deposition Subpoena commanding her appearance at a deposition on March 16, 2007 at 10:00 a.m. at Smith & Brink, P.C. in Quincy, MA. Without notice, justification or excuse, Ms. Sierra failed to appear for her duly noticed deposition.

The plaintiff seeks an Order compelling the Deposition of Lisette Sierra within ten (10) days of this Court's Order. As grounds for this Motion, plaintiff states that it anticipates that the testimony of Ms. Sierra will provide further support for plaintiff's affirmative allegations of insurance fraud contained in its Complaint.

WHEREFORE, for all the foregoing reasons, plaintiff, Encompass Insurance Company, respectfully requests an Order COMPELLING the appearance of Lisette Sierra for her properly noticed deposition within ten (10) days.

Respectfully submitted,  
*Encompass Insurance Company*,  
By its attorneys,

/s/ Richard D. King, Jr.

Richard D. King, Jr., BBO#638142  
Nathan A. Tilden, BBO#647076  
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SMITH & BRINK, P.C.  
122 Quincy Shore Drive  
Quincy, Massachusetts 02171  
(617) 770-2214

Dated: April 6, 2007

**Certificate of Service**

I, Richard D. King, Jr., hereby certify that on this 6th day of April, 2007, this document was filed through the CM/ECF and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

\_\_\_\_/s/ Richard D. King, Jr.\_\_\_\_